

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JONIPHAI RICHARDSON,
Defendant.

CASE NO. CR08-5549BHS

ORDER DENYING MOTION TO REDUCE SENTENCE

This matter comes before the Court on Defendant Joniphai Richardson’s (“Richardson”) motion to reduce sentence (Dkt. 42). The Court has reviewed the brief filed in support of the motion and the remainder of the file.

On September 11, 2009, the Court accepted Richardson's plea agreement on the charge of possession of cocaine base with intent to distribute and imposed a sentence of 87 months incarceration. Dkt. 40. On July 25, 2011, Richardson filed a motion to reduce his sentence based on an expected November 1, 2011, amendment to the sentencing guidelines for crack cocaine. Dkt. 42. Richardson asks the Court to hold its ruling in abeyance until the amendment is passed by Congress. *Id.*

The Court denies Richardson's motion without prejudice as premature.

IT IS SO ORDERED.

DATED this 9th day of August, 2011.



BENJAMIN H. SETTLE
United States District Judge

ORDER

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ORDER